

B Chen Architect PLLC

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November 16,2020

Stuart H. Finkelstein, Esq.
338 Jericho Turnpike
Syosset, NY 11791



Re: 82-88 Fulton Street
New York, NY
Block: 77 Lot: 24

Dear Mr. Finkelstein,

As per your request, an exterior survey of 82 Fulton Street was conducted on July 28, 2020 at approximately 2:00 pm in the afternoon. The survey consisted of walking around the public area of the two story, retail space, which was open to the public only. No survey of any interior retail space was conducted as per your instruction.

The building is a mixed-use residential and commercial building, located on the corner of Gold Street and Fulton Street. The retail space consisted of two story starting from the cellar level, being setback from the street wall with an open walkway in front of the retail space, similar to a two story, strip mall design or open arcade. The floor to ceiling height of the cellar level is approximately 11'-0" high with a small open courtyard in the front, and between 6'-0" to 7'-8" below sidewalk grade level. The retail space is what we consider a split level situation. Along Fulton street, the retail space also has another split level situation. This creates a situation where there is actually four different level of retail space with the sidewalk being a fifth level. Along Fulton Street, there is also another issue which an exterior



Figure 1-looking at exterior stair

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survey might not be able to resolve. There is Turkish Spa, that has its' own entry way on the street wall and a stair leading down to an interior vestibule.

As per the initial report from Steven Kratchman Architect P.C, for the building lawyers, the building was built prior to the adoption of the Federal ADA rules and regulations. With that said, the layout of a commercial space will always change in time, due to the needs and requirements of each and every individual retail space.



Figure 2-looking at walkway in front of retail space

In looking at the layout of the existing retail space, a ramp solution would not be feasible, since there would not be enough room and clearance to make a handicap ramp work, especially with having to work with five different levels. The best case solution would be to create two different sets of handicap accessible lifts. One for the left side of the building and one for the right side of the building along Fulton Street. The lift could be installed within the building's envelope, taking over some retail space. The amount of space required would be dependent on how the lift is design and oriented. The only drawback with the lift solution is for the Spa. Without conducting an interior survey, there is no way to tell if the lift will be able to provide access to the rest of the Spa space. Although designated as a landmark by New York City, it is not listed as such on the National Registry and this place of public accommodation must still be in compliance with the Americans With Disabilities Act. As such, approval for plans for ADA compliance is only required from New York City. As a practical matter, the burden is on the facility owner, tenant or manager to prove the threat to the historic facility. It is a narrowly interpreted exception to the global requirements of the ADA and would necessitate drawings

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(including elevations), a written explanation for the threat to the facility justifying non-compliance, and demonstrate prior consultation with disabled groups, accessibility officials and historic officials. Moreover, if one can convince the appropriate authority that the modifications which are being demanded are indeed a threat to the historic fabric of the facility, which is not an easy task, then it will be exempted from full compliance with ADAAG. However, this does not confer a

blanket exemption from the ADA. If it is feasible, one must still meet ADAAG minimum requirements. These standards are less demanding than full ADA compliance, but are still significant. They include: At least one accessible route to the facility's entrance; at least one accessible public entrance, or one accessible separate entrance; access to entrance-level public spaces and access to all levels if practical.

Sincerely,

Billy Chen RA AIA